IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4066 OF 2**007**

Union of India ..Petitioner.
Vs.
Sanchalal Nandaram Bhandari & Ors. ..Respondents.

Mr.T.J.Pandian, adv. for the Petitioner.
Mr.Rameshwar Gite, adv. for the Respondent Nos.1 to 4.

CORAM : J.H.BHATIA, J.
DATE : JULY 4, 2007.

P.C.

1. Heard Mr.Pandian the learned counsel for the Petitioner. The petitioner is original plaintiff, who had challenged the survey of Gat Nos.44,45,47,48 and 53 of village Nifad and had also sought temporary injunction restraining the defendants from causing any interference or interruption over the possession of the plaintiff over the said lands. The petition is contested by the defendants contending that even though the railway station of the plaintiff is in existence for very long period, the plaintiff had actually made encroachment on their lands and, therefore, they had sought survey and after the measurement, it was found that the plaintiff had made encroachment. The Sub Divisional Officer, Nifad passed an order for removal of encroachment on 25-11-2005 and as per the said order, the defendants were already put in possession of their land. However, the Trial Court granted temporary

injunction against the defendants, who challenged the said order in Miscellaneous Appeal No.43 of 2006. After hearing the parties, the learned District Judge-1, Nifad allowed the appeal mainly on the ground that, on the basis of measurements of the lands, in Encroachment Case No.24 of 2005 the defendants were already put in possession of the lands by Sub Divisional Officer because the plaintiff was found to have made encroachment on the land. Plaintiff has preferred the present writ petition under Article 227 of the Constitution of India.

2. After going through the documents and the impugned judgment passed by the Appellate Court, I find no fault in the said order. There is no material on the basis of which this Court may exercise jurisdiction under Article 227 of the Constitution of India.

3. Petition stands dismissed summarily.

[J.H.BHATIA, J.]